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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Alexander Tetelbaum

Serial Number:

09/827,434

Filed:

April 6, 2001

Title:

Wire Delay Distributed Model

Examiner:

Brandon Bowers

Group Art Unit:

2825

Attorney Docket:

00-294

AMENDMENT

Box Non-Fee-Amendment Commissioner for Patents P.O. Box 1450 Alexandria, CA 22313-1450

Sir:

This amendment is filed in response to the Office Action dated June 30, 2004.

REMARKS

Claims 1-17 are in the case and subject to a restriction requirement. Applicants hereby elect with traverse to prosecute the claims of group 2, including claims 6-17, drawn to delay estimation, classified in class 716, subclass 6. Thus, claims 1-5, drawn to clock buffer output delay calculation, classified in class 716, subclass 4, are withdrawn from consideration. Reconsideration is requested.

However, restriction is not required by 35 U.S.C. § 121, as suggested in the office action. Congress wisely granted the discretion to restrict applications. According to 35 U.S.C. § 121 "... the Commissioner may require the application to be restricted...." (emphasis added). Likewise, MPEP § 803 lists two criteria that must be present for restriction to be proper:

- 1. The invention must be independent or distinct; and
- 2. There must be a serious burden on the examiner if restriction is not required.



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Milpitas, CA 95035

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Re:

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US Serial No.: 09/827,434 Filing Date: April 6, 2001

Group Art Unit: 2825 Docket No: 00-294

Examiner: Brandon Bowers

Response to Restriction Requirement

Please notify us immediately if any pages are not received.

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(to be used for all correspondence after initial filing)		Art Unit	2825			
		Examiner Name	Brandon Bowers			
Total Number of Pages in This Submission	Attorney Docket Number	00-294				
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